

**REMARKS**

Claims 1-40 remain pending and under current examination. In the Final Office Action, the Examiner maintained the rejection of claims 1-40 under 35 U.S.C § 102(b) as anticipated by U.S. Patent No. 5,995,991 to Huang et al. (“*Huang*”). The Examiner also maintained the rejection of claims 1-6, 8-19, 21-32, and 34-40 under nonstatutory double patenting as being unpatentable over claims 1-37 of copending Application No. 10/035,584 (“‘584”) in view of U.S. Patent No. 5,065,352 to Nakano (“*Nakano*”). Applicant addresses the Examiner’s rejections in turn<sup>1</sup>.

**I. Regarding the rejection of claims 1-40 under 35 U.S.C. § 102(b) as being anticipated by *Huang***

Applicant respectfully traverses the rejection of claims 1-40 under 35 U.S.C. § 102(b) as anticipated by *Huang*. In order to properly establish that *Huang* anticipates Applicant’s claimed invention under 35 U.S.C. § 102, each and every element of each of the claims in issue must be found, either expressly described or under principles of inherency, in that single reference. Furthermore, “[t]he identical invention must be shown in as complete detail as is contained in the ... claim.” *See* M.P.E.P. § 2131, quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

*Huang* does not disclose each and every element of Applicant’s claimed invention.

Claim 1 calls for a combination including, for example:

an analyzer circuit configured to determine a first status of a first floating point operand and a second status of a second floating point operand based upon data within the first floating point operand and data within the second floating point operand respectively

---

<sup>1</sup> The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

(emphasis added).

*Huang* fails to teach at least this element of claim 1. In response to previous arguments, the Examiner asserts “a portion of Figures 1 and 4 clearly disclose the analyzer circuit, particularly the boxes with labels 24 and 26 in Figure 1 and the boxes with labels 116 and 118” (Office Action at p. 9). The “boxes” labeled 24 and 26 in *Huang*, however, are prior art (see *Huang*, Figure 1). *Huang* teaches away from these items in col. 4, line 66 through col. 5, line 9. Accordingly, the Examiner’s assertion that *Huang* discloses “an analyzer circuit, particularly the boxes labeled 24 and 26 in Figure 1 and the boxes with labels 116 and 118” is improper at least because *Huang* teaches away from this combination. Additionally, regarding the “boxes” labeled 116 and 118 in Figure 4, *Huang* discloses “operand registers 116 and 118 are shown which may be part of the register file 112” (emphasis added) (*Huang*, col. 6, lines 65-66). *Huang*’s operand registers do not constitute a teaching or suggestion of an “analyzer circuit,” as required by claim 1.

Moreover, the Examiner asserts “[t]he x\_tag 116 and y\_tag 118 are determined based on x and y operands 116-1 and 118-1 respectively ... Therefore, the information of determining x\_tag and y\_tag must be within the x and y operands respectively” (Office Action at p. 9). Applicant respectfully disagrees with the Examiner’s conclusion. Although the Examiner asserts the x\_tag and y\_tag of *Huang* are “determined based on the x and y operands” (emphasis added, Office Action at p. 9), nevertheless, *Huang* is silent on “data within the ... operand,” (emphasis added) as required by claim 1.

Instead, *Huang* teaches away from the Examiner’s conclusion that “the information of determining x\_tag and y\_tag must be within the x and y operands respectively” (Office Action at

p. 9). *Huang* teaches “each portion of the registers 116 and 118 has an operand value storage portion 116-1 and 118-1 and a tag value storage portion 116-2 and 118-2” (*Huang*, col. 6, line 66 through col. 7, line 2). *Huang* thus teaches a separate operand value storage portion, 116-1, and a separate tag value storage portion for the x\_tag 116-2 (*Huang*, col. 6, line 66 through col. 7, line 2, see also Fig. 4). The separate storage portions of *Huang* do not constitute a teaching or suggestion of “data within the ... operand” as required by claim 1.

Accordingly, *Huang* cannot anticipate claim 1. Applicant therefore respectfully requests the Examiner to reconsider and withdraw the rejection of claim 1 as being anticipated by *Huang*.

Independent claims 15 and 28, although of different scope, recite similar elements to claim 1. Accordingly, Applicant respectfully requests the Examiner to reconsider and withdraw the rejection of claims 15 and 28 under 35 U.S.C. § 102(b), for at least the reasons discussed above with respect to claim 1.

Dependent claims 2-14, 16-27, and 29-40 are allowable at least due to dependence on allowable claims 1, 15, and 28 respectively, and for additional distinctions recited therein. Accordingly, Applicant respectfully requests the Examiner to reconsider and withdraw the rejection of claims 2-14, 16-27, and 29-40 under 35 U.S.C. § 102(b).

**II. Regarding the nonstatutory double patenting rejection of claims 1-6, 8-19, 21-32, and 34-40 over ‘584 in view of Nakano**

Applicant respectfully renews the request that the Examiner hold this rejection in abeyance until allowable subject matter has been indicated (see pp. 15-16 of Amendment filed December 16, 2004).

### III. Conclusion

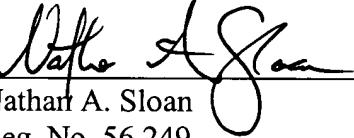
In view of the foregoing remarks, Applicant submits that this claimed invention is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicant therefore requests the Examiner's reconsideration and reexamination of the application, and withdrawal of the rejection under 35 U.S.C. § 102(b).

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: June 8, 2005

By:   
Nathan A. Sloan  
Reg. No. 56,249

**Attachments:** Information Disclosure Statement  
IDS Form PTO/SB/08  
Copy of the cited reference